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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,541	01/13/2006	Christian Roth-Schuler	05-372	3690
34704 7590 02/01/2008 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510				
			EXAMINER STABLEY, MICHAEL R	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 02/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,541	Applicant(s) ROTH-SCHULER ET AL.	
	Examiner MICHAEL STABLEY	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/10/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6 and 8 rejected under 35 U.S.C. 102(b) as being anticipated by Andersson (WO 01/34454 A1).

In re claim 6, Andersson discloses a semi trailer coupling as shown in Figure 1 comprising a coupling plate (4) and a bearing block for movable fastening of the coupling plate to a frame (2) of a tractor, the bearing block includes a bearing region (10) and a fastening region (8), the bearing region includes bearing means for pivotable bearing of the coupling plate about axis (y) and the fastening region includes fastening means for detachable fastening of the coupling plate to the frame of the tractor, wherein the bearing region has a larger cross section than that the fastening region (as shown in Figure 4), when the bearing block is screwed on section in the direction of travel and parallel to pivoting axis.

In re claim 8, Andersson discloses the semi trailer coupling as claimed in claim 6, wherein the bearing block is formed from a one-piece casting as shown in Figure 3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3611

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 9-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson as applied to claim 6 above, and further in view of Alguera Gallego (US Patent 6,623,024).

In re claim 7, Andersson discloses the semi trailer coupling as claimed in claim 6, but does not disclose that the bearing region of the bearing block defines with the coupling plate on a clearance for relative movements of the coupling plate and the bearing block. Alguera Gallego, however, does disclose that the bearing region of the bearing block (5) defines with the coupling plate (1a) on a clearance for relative movements of the coupling plate and the bearing block in a direction perpendicular to the direction of travel and in the direction of the pivoting axis as shown in Figure 7. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the invention of Andersson to have the fastening region of Alguera Gallego since the two fastening regions would perform equally well at securing the coupling plate to a trailer frame and is thus a mere substitution of one fastening region for another.

In re claims 9 and 10, the combination of Andersson and Alguera Gallego disclose the semi trailer coupling as claimed above in claims 6 and 7. Alguera Gallego also discloses that the bearing block has a width in the direction of the pivoting axis in the bearing region which is smaller than the width of a receiving region on the coupling plate for receiving the bearing block as shown in Figure 7.

In re claims 11 and 12, the combination of Andersson and Alguera Gallego disclose the semi trailer coupling as claimed above in claims 9 and 10. Andersson further discloses that the width of the bearing region is roughly 2.5 times the width of the fastening region of the bearing block as shown Figure 4. It has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Therefore, it would have been obvious to one of ordinary skill to have chosen the appropriate width based upon the desired results.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bergmann (US Patent 5,746,438) and Moetter (US Patent 6,182,996) disclose fifth wheel couplings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Stabley whose telephone number is 571-270-3249. The examiner can normally be reached on M-F 7:30-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Stabley
Examiner
Art Unit 3611

ms
1/15/08


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SUPERVISORY PATENT EXAMINER
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